

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BARBARA STUART ROBINSON,

Plaintiff,

v.

CLISE PROPERTIES, INC.,

Defendant.

CASE NO. C24-0397-JCC

ORDER

This matter comes before the Court on the referral notice from the United States Court of Appeals for the Ninth Circuit (Dkt. No. 13). That court referred this matter for the limited purpose of determining whether *in forma pauperis* status should continue for Plaintiff's appeal or whether the appeal is frivolous or taken in bad faith. (*Id.*)

"An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). "[A]n appeal is not taken in good faith . . . if there is some evident improper motive or if no issue is presented which is not plainly frivolous." *Tweedy v. United States*, 276 F.2d 649, 651 (9th Cir. 1960); *see also Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) ("If at least one issue or claim is found to be non-frivolous, leave to proceed in forma pauperis on appeal must be granted.").

Plaintiff initially filed a *pro se* complaint against a private security company alleging, among other things, violations of her "civil rights" and "due process." (Dkt. No. 5.) In response

1 to this Court's order to show cause (Dkt. No. 7), Plaintiff subsequently filed an amended
2 complaint (Dkt. No. 8). But as this Court has previously explained, Plaintiff failed to cure the
3 pleading infirmities contained in her original complaint. (*See generally* Dkt. No. 9.) Specifically,
4 she failed to state a basis for this Court's subject matter jurisdiction or identify any state action
5 for purposes of her constitutional claims. (*See id.* at 1.) Accordingly, the Court dismissed
6 Plaintiff's claims without prejudice. (*Id.*)

7 Plaintiff now appeals the dismissal of her case. (Dkt. No. 11.) But her notice of appeal
8 does not address the deficiencies in her complaint; rather, she simply states that "[t]he trial court
9 abuses discretion to deny STATE Rights under State Law Constitutionally Abridged STATE
10 CONSTITUTION AND Civil Rights without due process of law." (*Id.* at 1.) This further
11 confirms that Plaintiff's appeal of the Court's order is frivolous because her claims lack "an
12 arguable basis in fact or law." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Therefore, the
13 Court CERTIFIES that Plaintiff's appeal is not taken in good faith and REVOKES Plaintiff's *in*
14 *forma pauperis* status. The Court further DIRECTS the Clerk to send this order to the Ninth
15 Circuit, along with a copy to Plaintiff.

16 DATED this 30th day of April 2024.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE